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09/775,626	02/05/2001	Takeshi Katayama	Q61668	8346

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EXAMINER
BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 June 2007_.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-53_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-53_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: appeal brief filed 6/15/2007, to the original action filed 2/5/2001, foreign priority filing date of **2/4/2000**.

2.   Please be advised that the previous examiner of record, Gotaim Sain, is no longer employed by the USPTO. The new examiner of record for this case is William L. Bashore. Please update future correspondence accordingly.

3.   Claims 1-53 pending. Claims 1, 11, 21, and 22 are independent.

4.   In view of the appeal brief filed on 6/15/2007, PROSECUTION IS HEREBY REOPENED. A new set of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Doug Hutton
Primary Examiner
Technology Center 2100

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.   **The claimed invention (as claimed in claims 11-21, 30-33, 37-38, 41-42, 48-51) is directed to non-statutory subject matter.**

In regard to independent claims 11 and 21, each of said claims recite "*A system...comprising data processing...having program logic*". Each of said claims also recite various logic portions, etc. As such, the above can be reasonably interpreted as software per se. The examiner cannot find any limitation within each said claim that directs said claims to a hardware embodiment, therefore claims 11 and 21 are directed to non-statutory subject matter.

In regard to dependent claims 12-20, 30-33, 37-38, 41-42, 48-51, each said claims are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 112

7. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claim 47 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to dependent claim 47, claim 47 claims in pertinent part "*...and the dummy page data does not contain any images to be output*". Since base independent claim 1 claims that the dummy parts (page) data comprises an embedded image, it is unclear how said dummy data can comprise an image, and not contain any images at the same time.

For the purpose of art rejection, the following rejections are based upon a possible interpretation of claim 47 to be directed to dummy page data containing an image(s).

Claim Rejections - 35 USC § 103

9. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   **Claims 1-4, 9-14, 19-44, 46-48, 50, 52 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Brown et al. (hereinafter Brown), U.S. Patent No. 6,356,908 issued 3/12/2002, in

view of Brown, Mark R. "Special Edition Using Netscape Communicator 4" (hereinafter Netscape),

1997 QUE Corporation, pages 21, 115-119, 126-127.

In regard to independent claim 1, Brown teaches Web page thumbnail generation using a Web

browser, said browser comprising Web page printing capability (Brown Abstract, at least Figure 10).

Brown does not specifically teach editing capability. However, Netscape teaches a browser incorporating

Web page editor (Netscape pages 21, 115, 117-118). It would have been obvious to one of ordinary skill

in the art at the time of the invention to apply Netscape's editor to Brown's browser, providing Brown the

benefit of a tightly integrated editor for convenient use between applications (see Netscape page 117 –

bottom).

Brown teaches opening a Web page, whereby a thumbnail assistant pre-fetches web pages,

generates thumbnail images and displays said images accordingly (Brown column 5 lines 64 to column 6

lines 9). Brown also (via an automatic filtering system) determines a match of user preferences (e.g.

offensive language, etc.). If found, then the thumbnail image is altered by way of an overlapping DO Not

Enter image on top of said thumbnail (Brown column 6 lines 27-67, Figure 10). It is noted that a filtering

criteria can be a dead link, therefore if a link is deemed dead, the page cannot be retrieved, and a new

image indicating a dead link (dummy data) is placed on the page instead of a thumbnail image (part of a

page with corresponding parts data not received (Brown column 7 lines 1-11, 36-47).

Brown teaches if user filtering preferences are not found, then all parts are received (Brown

column 6 lines 55-67). It is reasonable to interpret Brown's filtering as settable by a user (i.e. turned off,

etc.). If a dead link filter is used, it is also reasonable to interpret that links can be temporarily dead (i.e.

down for maintenance) so that pursuant to eventual refreshing results in dummy data being replaced by

the intended thumbnail image when maintenance is finished

Brown teaches its DO Not Enter data as an embedded image (or an appropriate image when a link

is dead), which is the same image size as its corresponding thumbnail (Brown Figure 10).

In regard to dependent claim 2, Brown teaches a filter policy can include determining a dead

link, therefore replacing the dead link indicator (with the intended thumbnail) is dependent upon this first

filter information (looking for dead URL link) (Brown column 7 lines 37-56).

In regard to dependent claims 3, 4, Brown teaches saving and referring to linked pages in a

database (typically stored in files and folders) (Brown Abstract). It is noted that even if a page is

temporarily down (for maintenance), it is reasonable to interpret that copies of said page prior to dead

status would be stored in said database.

It is also noted that when a page is finally received (maintenance is finished), it is referred to by

the same URL (first information) that the filtering mechanism used.

In regard to dependent claims 9, 10, Brown teaches a refresh button (Brown Figure 10 - upper

left icon) which is an instruction to refresh a page. Process is finished if a user does not activate said

refresh button.

In regard to independent claim 11, claim 11 reflects the system comprising computer

executable instructions for implementing the methods as claimed in claim 1, and is rejected along the

same rationale.

In regard to dependent claims 12-14, 19-20, claims 12-14, 19-20 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 2-4, 9-10, and are rejected along the same rationale.

In regard to independent claim 21, claim 21 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Brown teaches "link information" as pages (and URLs) for fetching and analysis, said pages stored in a database (storage location) accordingly (Brown at least Abstract).

Brown's filtering policy (once set) operates in the background (the user is typically unaware of what is going on). Brown also teaches a refresh button (Brown Figure 10).

In regard to independent claim 22, claim 22 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Brown teaches a defined page layout and link information (see Brown at least Figure 10).

Brown teaches link information as pages (and URLs) for fetching and analysis, said pages stored in a database (storage location) accordingly (Brown at least Abstract).

In regard to dependent claims 23, 24, Brown teaches a dummy image (Do Not Enter) (Brown Figure 10). Based upon Brown column 7 lines 44-46, it has been established that said dummy image can incorporate the entire image, since a dead link will not return a page for thumbnail view. The dummy image acts as a storage layout placeholder for the expected image (pages are also stored in a database (Brown Abstract).

If a link is dead (i.e. temporarily down for maintenance, etc.), then the expected Web page data

has not been received.

In regard to dependent claims 25, 26, 27, Brown teaches a refresh button for refreshing pages

(Brown Figure 10). Once page maintenance is finished and online, expected data is retrieved. Brown's

dummy image (i.e. Do Not Enter, Dead Link, etc.) is associated with a target page comprising a URL

(title and delivery information).

In regard to dependent claim 28, Brown teaches a plurality of links stored in a database (Brown

Abstract). Brown does not specifically teach inserting links to database during editing. However,

Netscape teaches a Web page editor (Netscape page 21). It would have been obvious to one of ordinary

skill in the art at the time of the invention to apply Netscape's editor to Brown, providing a user of Brown

the benefit of referencing object sources from a database as an alternate source.

In regard to dependent claim 29, Brown is moot regarding determining un-received parts by

absence of data in a database. However, although Brown's database may contain previous copies of a

Web page (before down for maintenance, etc.), if a link is currently dead, it is at least obvious that an

updated Web page will be absent from both Brown's database, and from the Internet, rendering this

limitation obvious to one of ordinary skill in the art at the time of the invention.

In regard to dependent claims 30, 31, claims 30, 31 reflect the system comprising computer

executable instructions for implementing the methods as claimed in claims 28, 29, and are rejected along

the same rationale.

In regard to dependent claims 32, 33, claims 32, 33 reflect the system comprising computer executable instructions for implementing the methods as claimed in claims 28, 29, and are rejected along the same rationale.

In regard to dependent claims 34, 35, claims 34, 35 incorporates substantially similar subject matter as claimed in claims 28, 29, and are rejected along the same rationale.

In regard to dependent claim 36, although Brown's database may contain previous copies of a Web page (before down for maintenance, etc.), if a link is currently dead, it is at least obvious that an updated Web page will be absent from both Brown's database, and from the Internet, therefore said Web page will not be received by the computer, the computer system, and the user (see also Brown column 7 lines 36-47). In view of the above analysis, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, providing the benefit of efficient operation.

In regard to dependent claim 37, claim 37 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 36, and is rejected along the same rationale.

In regard to dependent claims 38, claim 38 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 36, and is rejected along the same rationale.

In regard to dependent claim 39, claim 39 incorporates substantially similar subject matter as claimed in claim 36, and is rejected along the same rationale.

In regard to dependent claim 40, Brown teaches an editable dummy data image (Do Not Enter) automatically created (without user intervention) pursuant to filter analysis (Brown Figure 10). The above combination of Brown and Netscape provides a mechanism for editing the Web page of Brown Figure 10 accordingly.

In regard to dependent claim 41, claim 41 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 40, and is rejected along the same rationale.

In regard to dependent claim 42, claim 42 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 40, and is rejected along the same rationale.

In regard to dependent claim 43, claim 43 incorporates substantially similar subject matter as claimed in claim 40, and is rejected along the same rationale.

In regard to dependent claim 44, Brown teaches an editable dummy data image (Do Not Enter) automatically created pursuant to filter analysis (Brown Figure 10). The above combination of Brown and Netscape provides a mechanism for editing the Web page of Brown Figure 10, including the alternate embedded Do Not Enter image accordingly.

In regard to dependent claims 46, 47, Brown teaches a dummy image with a comment associated with the un-received parts data (the page and its corresponding link) ("Do Not Enter") (Brown Figure 10).

In regard to dependent claim 48, claim 48 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 44, and is rejected along the same rationale.

In regard to dependent claim 50, claim 50 reflects the system comprising computer executable instructions for implementing the methods as claimed in claim 44, and is rejected along the same rationale.

In regard to dependent claim 52, claim 52 incorporates substantially similar subject matter as claimed in claim 44, and is rejected along the same rationale.

11.　　**Claims 5-8, 15-18, 45, 49, 51, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Netscape, and further in view of Vogt et al. (hereinafter Vogt), U.S. Patent No. 6,611,349 issued 8/26/2003.**

In regard to dependent claims 5-8, claims 5-8 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Brown does not specifically teach its invention utilizing "*plate face data*". However, Vogt teaches generating a printing plate file in real time over a network (Internet) using links to imaging files and remote digital files provided to the plate service (Vogt Abstract, column 2 lines 50-65, column 3 lines 14-26, at least column 8 lines 52-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Vogt to Brown, providing a user of Brown the benefit of a plate service for publishing Web pages.

In regard to dependent claims 15-18, claims 15-18 reflect the system comprising computer

executable instructions for implementing the methods as claimed in claims5-8, and is rejected along the

same rationale.

In regard to dependent claim 45, Brown does not specifically teach an image of lower

resolution. However, Vogt teaches an electronic publishing system comprising digital files of lower

resolution from the higher resolution files (Vogt column 3 lines 14-25, and Abstract). It would have been

obvious to one of ordinary skill in the art at the time of the invention to apply Vogt to Brown, providing

Brown the benefit of a lower resolution image, so as to save computer resources for images that do not

need to be rendered in high resolution, and for faster transmission over the Internet.

In regard to dependent claim 49, claim 49 reflects the system comprising computer executable

instructions for implementing the methods as claimed in claim 45, and is rejected along the same

rationale.

In regard to dependent claim 51, claim 51 reflects the system comprising computer executable

instructions for implementing the methods as claimed in claim 45, and is rejected along the same

rationale.

In regard to dependent claim 53, claim 53 incorporates substantially similar subject matter as

claimed in claim 45, and is rejected along the same rationale.

Response to Arguments

12.   Applicant's arguments with respect to claims 1-53 have been considered but are moot in view of

the new ground(s) of rejection.

Conclusion

13.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can

normally be reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug

Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

14.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer

Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR

CANADA) or 571-272-1000.

WILLIAM BASHORE
PRIMARY EXAMINER

September 15, 2007